




FARMINGTON POLICE DEPARTMENT

POLICY AND PROCEDURE

	POLICY NUMBER: 499-05	EFFECTIVE DATE: 04/09/2018	
	SUBJECT: Law Enforcement Officer's Safety Act of 2004		
	APPROVED BY:  STEVEN D. HEBBE, CHIEF OF POLICE		

PURPOSE:

To provide general guidelines and procedures for active duty law enforcement personnel and retired officers pursuant to the Law Enforcement Officer's Safety Act of 2004.

POLICY:

The Farmington Police Department will comply with the Law Enforcement Officer's Safety Act of 2004, (LEOSA), enacted July 22, 2004 as Pub. L. 108-277 and is codified as 18 U.S. Code 926B and 926C (amended in 2010 as Pub. L. 111-272). The act permits the nationwide carrying of concealed handguns by qualified current and retired law enforcement officers and amends the Gun Control Act to exempt qualified current and retired law enforcement officers from state and local laws prohibiting the carry of concealed firearms. This authorization will not supersede or limit the laws of any State that:

1. Permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
2. Prohibit or restrict the possession of firearms on any State or local government property, installation, building, base or park.

PROCEDURE:

Active duty officers:

Officers may carry their authorized duty or off-duty weapon during interstate travel under LEOSA. They must also have in their Farmington Police Department commission card in their possession.

1. Active duty officers must have completed all Departmental requirements listed under the Farmington Police Department Firearms policy, # 101-05.
2. Authorization to carry will be revoked during any time period that the officer is the subject of any disciplinary action or under the influence of alcohol or other intoxicating drug.

Qualified retired law enforcement officers:

1. As used in this section the term "qualified retired law enforcement officer" means an individual who:
 - a. Retired in good standing from the Farmington Police Department as a commissioned police officer, other than reasons of mental instability;
 - b. Before such retirement, was regularly employed as a law enforcement officer for an aggregate of 10 years or more or, after completing the probationary period, retired due to a service connected disability;
 - c. Has nonforfeitable right to benefits under the City of Farmington's retirement plan;
 - d. During the most recent 12-month period, has met, at the expense of the individual, department standards for qualification for active duty officers to carry firearms;
 - e. Is not under the influence of alcohol or another intoxicating drug or substance;
 - f. Is not prohibited by federal law from receiving a firearm;
 - g. Has not been convicted of, pled guilty to, or entered a plea of nolo contendere to any felony offense, or misdemeanor charge related to aggravated assault,

theft, driving while intoxicated, controlled substances or other crime involving moral turpitude.

2. Identification required to be carried by qualified retired officers will be:
 - a. A photographic identification card labeled "RETIRED POLICE OFFICER" issued by the City of Farmington;
 - b. A certification that indicates the bearer has met all State of New Mexico requirements for active duty law enforcement officers to carry a firearm of the same type as the concealed firearm.
3. Will be required to qualify with each weapon type (pistol/revolver) that the retiree will carry under LEOSA authority.
4. Will be required to provide a written affidavit specifying they are qualified to carry a concealed firearm under LEOSA.
5. May be required by the Chief of Police or his designee, upon receipt of a release of medical information form signed by the retired officer, to receive medical clearance before being allowed to complete qualification requirements. Costs associated with acquiring a medical clearance will be the responsibility of the retired officer. In no case will an individual deemed medically or psychologically unfit to carry a weapon be allowed to qualify or authorized to carry under LEOSA authority.

Qualification Standards for Retired Officers:

1. It will be the retired officer's responsibility to notify the Farmington Police Department of their desire to qualify with a weapon to be carried under LEOSA;
2. Qualification opportunities will be scheduled by the Training Unit subject to manpower constraints and range availability. Two qualification attempts will be given, with additional qualification attempts being at the discretion of the designated firearms instructor. Retired officer qualifications will not coincide with regular, active duty officer qualifications;
3. Retired officers will be allowed to qualify with no more than two (2) firearms, either semi auto and/or revolver;

4. All handguns and equipment must pass safety inspections by the designated firearms instructor;
5. The minimum qualifying score will be in accordance with the department back-up weapon qualification;
6. Upon a successful qualification, the designated firearms instructor will submit department firearms qualifications sheets to the Training Unit with the following information:
 - a. Retiree's name;
 - b. Qualification date;
 - c. Qualification course of fire (day/night);
 - d. Qualification score;
 - e. Type and serial number for each firearm used to qualify.
7. All qualification scores will be entered into the department firearms qualification database by the Training Unit.
8. Qualified retired officers will be required to sign a waiver of liability of the City of Farmington / Farmington Police Department prior to qualification for all acts taken related to the carrying of a concealed firearm. This waiver will acknowledge their personal responsibility as a private citizen when carrying a concealed firearm and not as a former employee of the Farmington Police Department. Such waiver will also release the Farmington Police Department from any claim or action resulting from an injury suffered during the qualification activities.